



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 10000-18 T.A.

AGENCY DKT. NO. C107037015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioners appeal from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioners' EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioners failed to comply with their EA service plan ("SP"). Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 14, 2018, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 4, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, beginning February 28, 2018, Petitioners executed four SPs wherein they agreed, among other things, to pay their 30% portion of the monthly motel rent, as required by regulatory authority, on the first of each month. See Initial Decision at 2-3; see also Exhibits R-9, R-10, R-11, and R-12. Petitioners were also provided with numerous notices reminding them of their requirement to timely pay their rent. See Initial Decision at 2-3; see also Exhibits R-5, R-6, and R-8. However, Petitioners failed to timely pay their monthly portion of the rent for the months of April, May, and June, 2018. See Initial Decision at 3. Thereafter, on June 28, 2018, Petitioners entered into two more SPs wherein they agreed, among other things, to pay their 30% portion of the monthly motel rent by the 5th of each month. See Initial Decision at 3-4; see also Exhibits R-13, R-14. As of that date, Petitioners still had not paid their June 1, 2018, rental portion and did not make that rental portion payment until July 4, 2018. See Initial Decision at 3; see also Exhibit R-18. As a result of Petitioners' failure to pay their June 2018, rental portion, the Agency terminated Petitioners' EA benefits, effective July 13, 2018, for failing to comply with their SPs, and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a).

On August 7, 2018, Petitioners paid their July 2018, rental portion which was due by July 5, 2018. Nevertheless, it appears that the Agency gave Petitioners another chance to comply with the requirement to timely pay their rental portion by the 5th of each month, and Petitioners executed another SP on August 13, 2018; however, the record indicates that, to date, Petitioners have not made their August 2018, rental portion payment. See Initial Decision at 4, 6-7; see also Exhibit R-15. The ALJ found that Petitioners had executed several SPs, and that said SPs clearly indicated the date upon which Petitioners were required to pay their portion of the monthly rent, and that Petitioners had failed to comply with their SPs by failing to timely pay their portion of the rent, without good cause. See Initial Decision at 4-7. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioners' EA benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioners on September 13, 2018.



As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Because I concur with the ALJ's conclusion that Petitioners failed to comply with their SPs, without good cause, I also agree with the imposition of the six-month EA ineligibility penalty. See Initial Decision at 7; see also N.J.A.C. 10:90-6.6(a). Further, because Petitioners have been receiving continued assistance pending the outcome of this hearing, their EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

By way of comment, the Agency shall refer Petitioners to any and all agencies and organizations that may be able to assist with their current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed Petitioners' Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

OCT 04 2018

Natasha Johnson

Director

